

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BIGG BURGER, INC.,

Plaintiff,

v.

BIG BURGZS, LLC. and
BILLY OWENS,

Defendants.

Case No. 2:19-cv-13413

District Judge Paul D. Borman

Magistrate Judge Anthony P. Patti

**ORDER GRANTING PLAINTIFF'S *EX PARTE* MOTION FOR
SUBSTITUTED SERVICE (ECF No. 7)**

On November 19, 2019, Plaintiff filed a complaint, which alleges that Defendants are responsible for federal trademark infringement, federal unfair competition, and unfair and deceptive trade practices under Michigan state law. Plaintiff seeks various forms of relief. (*See* ECF No. 1, PageID.9-21.) On November 20, 2019, the Clerk's Office issued a summons for each Defendant. (ECF Nos. 5-6.) Thus, absent an order stating otherwise, Plaintiff has until mid-February 2020 to effect service upon Defendants. Fed. R. Civ. P. 4(m).

Currently before the Court is Plaintiff's *ex parte* motion for substituted service, wherein Plaintiff cites Fed. R. Civ. P. 4 and MCR 2.105 and describes "apparent intentional avoidance of service of summons and complaint[.]" (ECF No. 7, PageID.47-49.) The motion is supported by the affidavit of Chris Warren,

who describes himself as a “professional Process Server[.]” (ECF No. 8.) Upon consideration, the motion (ECF No. 7) is **GRANTED**. Plaintiff may effectuate service of process upon Defendants by: (a) posting a copy of the Summons and Complaint, along with a copy of this Order, at the Defendant Big Burgzs restaurant in Detroit, Michigan: and, (b) mailing a copy of the Summons and Complaint, along with a copy of this Order, to the same address via U.S. mail.

IT IS SO ORDERED.

Dated: January 8, 2020

s/ *Anthony P. Patti*

Anthony P. Patti
UNITED STATES MAGISTRATE JUDGE